

REMARKS/ARGUMENTS

Claims pending in this application are claims 1-26. The body of the specification, the drawings, and claims 1-10 and 13-26 have been amended. Accordingly, upon entry of these amendments, claims 1-26 will be before the examiner for consideration.

35 U.S.C. § 102(b) Rejections

1. Examiner rejected Claims 1, 8, 9, 10, 17, and 18 under 35 U.S.C. § 102(b) as being anticipated by Schroppel (US 5,249,761).

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. (MPEP 2131.01) In addition, even if the prior art device performs all the functions recited in the claim, the prior art cannot anticipate the claim if there is any structural difference. (MPEP 2114).

Applicant has amended his drawing Fig. 1 to label an actuator housing, 200. In addition, Applicant has amended his specification at page 6, the paragraph beginning at line 7, to refer to the actuator housing, stating, “The means for rotating **100** is mounted in an actuator housing **200**, thereby constraining the rotating means from free movement.” The actuator housing is shown in Fig. 1 and these amendments are fully supported by Fig. 1 and are not new matter. Applicant amends claims 1, 10 and 19 (discussed in section 2 below) to include the actuator housing supported by Fig. 1. Applicant amends claim 1, 10 and 19 (discussed in section 2 below) to recite the existence of slots in the crank arm (as supported on page 6 lines 16-18).

As amended, Applicants claims 1 and 10 recite “said means for rotating being constrained from free movement by an actuator housing”. In contrast, Schroppel teaches a drive motor mounted on a spindle on which the motor freely pivots about a pendulum axis. (e.g. col 3 lines 30-32 and lines 40-44, and col. 4 lines 20-22). Therefore Schroppel’s device causes the lever to operate by allowing the motor to move on its pivot point. Schroppel is missing the Applicant’s element of the rotating means being constrained from moving freely.

As amended, Applicant’s invention has a different structure in that the means for rotating is constrained from free movement and the lead nut is operatively coupled to the

crank arm including slots to allow freedom of movement. In addition, Schroppel cannot perform the same function as Applicant's device because Schroppel cannot operate the fin shaft without movement of the motor.

Schroppek is missing a claimed element of Applicant's invention, and Schroppel cannot function in the same way as Applicant's invention. Therefore Schroppel does not anticipate Applicant's invention and claims 1, 10 and 19 contain allowable subject matter.

Claims 8, 9, 17, and 18 depend upon claims 1 and 10 which now contain allowable subject matter. Applicant requests reconsideration of his claims 1, 8, 9, 10, 17, and 18.

35 U.S.C. § 103(a) Rejections

2. Examiner rejected Claims 2, 19, 21-26 under 35 U.S.C. § 103(a) as being unpatentable over Schroppel (US 5,249,761) in view of Lang (US 4,795,110), stating it would be obvious to substitute the electric motor of Lang in Schroppel, and that smaller dimensions are obvious. To establish a prima facie case of obviousness there must be some suggestion to combine reference teachings; a reasonable expectation of success; and the references when combined must teach all the claim limitations. (MPEP 2142)

As discussed above in section 1, Schroppel does not teach all the claim limitations of Applicant's invention as amended and cannot function in the same way as Applicant's invention. The substitution of the electric motor of Lang and different dimensions do not combine with Schroppel to teach Applicant's invention as amended. Therefore, Examiner has not established a prima facie case of obviousness. As amended (see section 1 above), Applicant's claim 19 now contains allowable subject matter. Applicant's claims 2, 21-26 depend upon claims 1 and 19 which now contain allowable subject matter. Applicant requests reconsideration of his claims 2, 19, and 21-26.

Examiner rejected Claim 3 under 35 U.S.C. § 103(a) as being unpatentable over Schroppel (US 5,249,761) in view of Pletschet (US 6,311,576 B1), stating it would be obvious to substitute the anti-backlash nut of Pletschet. As discussed above, Schroppel does not teach all the claim limitations of Applicant's invention as amended and cannot function in the same way as Applicant's invention. The substitution of the anti-backlash

nut of Pletschet does not combine with Schropppel to teach Applicant's invention as amended. Therefore, Examiner has not established a prima facie case of obviousness. Applicant's claims 3 depends upon claim 1 which now contains allowable subject matter. Applicant requests reconsideration of his claim 3.

Examiner rejected Claims 4-7 under 35 U.S.C. § 103(a) as being upatentable over Schroppel (US 5,249,761) stating it would be obvious to one of skill in the art to build Schroppel with different dimensions. As discussed above, Schroppel does not teach all the claim limitations of Applicant's invention as amended and cannot function in the same way as Applicant's invention. Changing the dimensions of Schroppel's invention does not teach all the limitations of Applicant's invention as amended. Therefore, Examiner has not established a prima facie case of obviousness. Applicant's claims 4-7 depend upon claim 1 which now contains allowable subject matter. Applicant requests reconsideration of his claims 4-7.

Examiner rejected Claim 11 under 35 U.S.C. § 103(a) as being upatentable over Schroppel (US 5,249,761) in view of Lang (US 4,795,110), stating it would be obvious to substitute the electric motor of Lang in Schroppel.

As discussed above, Schroppel does not teach all the claim limitations of Applicant's invention as amended and cannot function in the same way as Applicant's invention. The substitution of the electric motor of Lang does not combine with Schropppel to teach Applicant's invention as amended. Therefore, Examiner has not established a prima facie case of obviousness. Applicant's claim 11 depends upon claim 10 which now contains allowable subject matter. Applicant requests reconsideration of his claim 11.

Examiner rejected Claim 12 under 35 U.S.C. § 103(a) as being upatentable over Schroppel (US 5,249,761) in view of Pletschet (US 6,311,576 B1), stating it would be obvious to substitute the anti-backlash nut of Pletschet. As discussed above, Schroppel does not teach all the claim limitations of Applicant's invention as amended and cannot function in the same way as Applicant's invention. The substitution of the anti-backlash nut of Pletschet does not combine with Schropppel to teach Applicant's invention as amended. Therefore, Examiner has not established a prima facie case of obviousness. Applicant's claim 12 depends upon claim 10 which now contains allowable subject

matter. Applicant requests reconsideration of his claim 12.

Examiner rejected Claims 13-16 under 35 U.S.C. § 103(a) as being unpatentable over Schroppel (US 5,249,761) stating it would be obvious to one of skill in the art to build Schroppel with different dimensions. As discussed above, Schroppel does not teach all the claim limitations of Applicant's invention as amended and cannot function in the same way as Applicant's invention. Changing the dimensions of Schroppel's invention does not teach all the limitations of Applicant's invention as amended. Therefore, Examiner has not established a prima facie case of obviousness. Applicant's claims 13-16 depend upon claim 10 which now contains allowable subject matter. Applicant requests reconsideration of his claims 13-16.

Examiner rejected Claim 20 under 35 U.S.C. § 103(a) as being unpatentable over Schroppel (US 5,249,761) in view of Lang (4,795,110) and further in view of Pletschet (US 6,311,576 B1), stating it would be obvious to substitute the anti-backlash nut of Pletschet. As discussed above, Schroppel does not teach all the claim limitations of Applicant's invention as amended and cannot function in the same way as Applicant's invention. The electric motor of Lang and the substitution of the anti-backlash nut of Pletschet does not combine with Schroppel to teach Applicant's invention as amended. Therefore, Examiner has not established a prima facie case of obviousness. Applicant's claim 20 depends upon claim 19 which now contains allowable subject matter. Applicant requests reconsideration of his claim 20.

35 U.S.C. 112 Rejections

3. In the Office Action, Examiner rejected claims 1-26 under the second paragraph of 35 U.S.C. §112, which states, "The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention". Examiner states that in claims 1-9, and 19-26 the use of the expression "actuator(s)" is alternative in nature and does not properly restrict the scope of the invention. Examiner states that in claims 10, and 13-17 the use of the expression "actuators(s)" is unclear, alternative in nature and does not properly restrict the scope of the invention. Applicant amends his claims as required to address these rejections.

Examiner states that in claim 19 line 8 "said fin shaft" lacks antecedent basis. Applicant has amended his claim 19 to replace "said fin shaft" with "a fin shaft".

Claim Objections

4. Examiner objected to claims 1-26 because of informalities in claims 1, 9, 10, 18, 19, and 26. Applicant has amended his claims as required to correct the informalities.

Specification Objections

5. Examiner objected to the Abstract according to MPEP 608.01(b). Applicant has corrected his Abstract as required.

Examiner objected to the disclosure for informalities. Applicant has corrected page 6 line 7 as noted. Applicant could not find the informality Examiner described at page 3 line 13. Applicant made a correction to page 3 line 14 instead that appears to be the informality the Examiner described. Kindly advise if Applicant erred in assuming this was the correction Examiner desired.

6. The inclusion of new language in the specification and claims does not introduce new matter into the application. In view of the foregoing, it is respectfully requested that the subject application be passed to issue as amended hereby with Claims 1-26.

The Commissioner is authorized to charge any fees associated with this filing to Deposit Account No. 50-0931.

Applicant's application is in condition for allowance. Applicant respectfully request a Notice of Allowance for their claims 1-26.

Respectfully Submitted,



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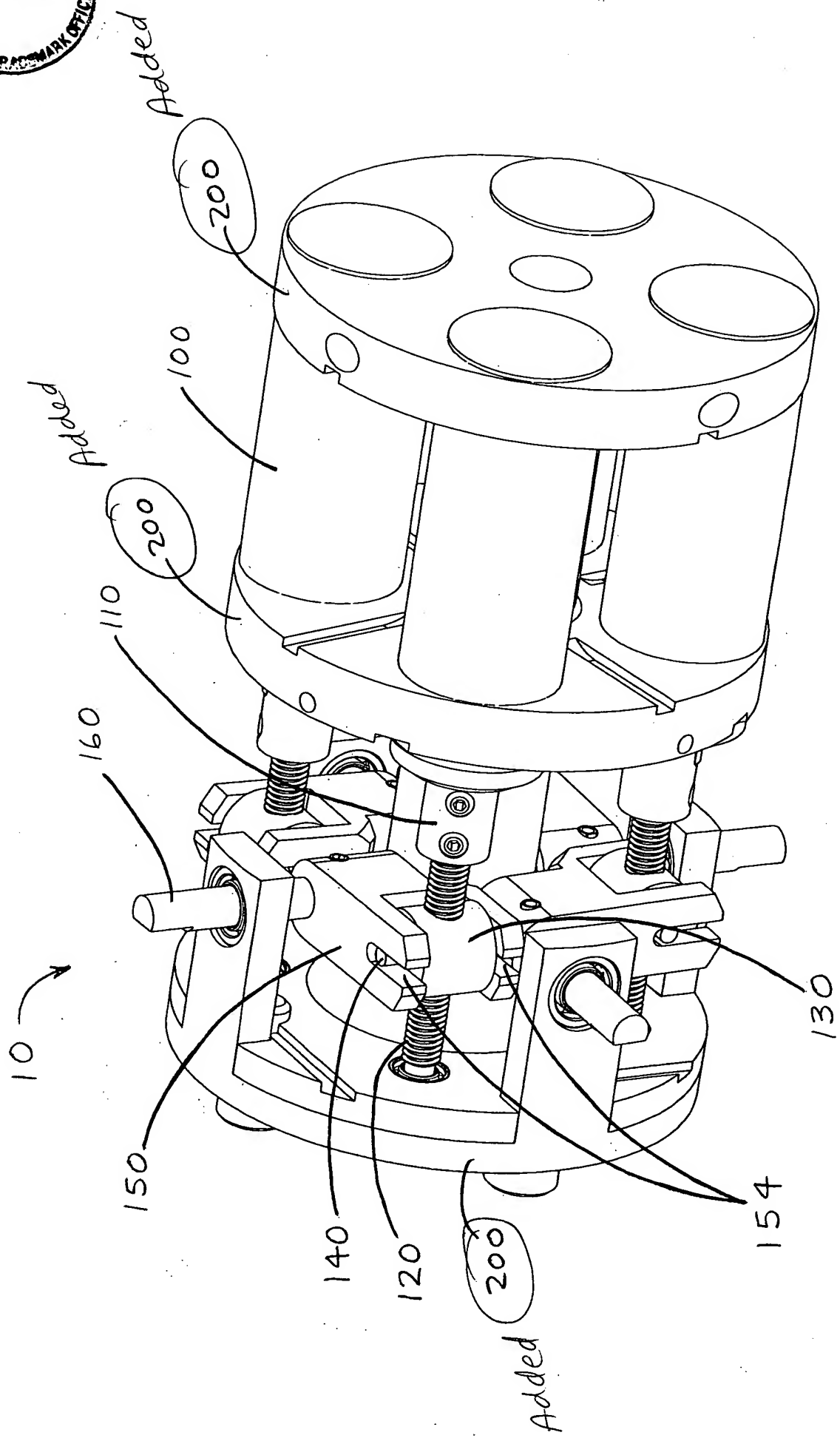


FIG. 1